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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,671	09/17/2003	Hongqin Shi	P118-US	8251
26148	7590	08/31/2005	EXAMINER	
REFLECTIVITY, INC. 350 POTRERO AVENUE SUNNYVALE, CA 94085				VINH, LAN
ART UNIT		PAPER NUMBER		
		1765		

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/666,671	SHI ET AL.	
	Examiner	Art Unit	
	Lan Vinh	1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-21,24-64,66-73,79 and 80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3, 5-21,26-64,66-73,79 and 80 is/are rejected.
- 7) Claim(s) 24 and 25 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 91703
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 66-71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 66-71 are indefinite because they depend on cancelled claim 65

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-8, 10-15, 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Tai et al (US 6,436,229)

Tai discloses a method for etching. The method comprises the steps of:
loading a microstructure into an etch chamber of the etch system, wherein the microstructure comprises a polysilicon/sacrificial material and one or more structural materials (col 8, lines 10-30)

providing a spontaneous vapor phase etchant recipe to the etch system (col 4, lines 19-22; fig. 1A)

diluting the etching gas/etching recipe with xenon gas based on the dilution ratio/measured amount of BrF₃ and xenon gas (col 4, lines 57-60), which reads on providing an additional amount of the etchant recipe to the etch system at a time that is determined based on a measurement of an amount of an etchant/chemical species (col 4, lines 57-60)

The limitation of claim 2 has been discussed above

Regarding claim 3, Tai discloses producing an etching volatile by-product (col 3, lines 30-31)

Regarding claims 5-6, Tai discloses using xenon difluoride (col 9, lines 32-33)

Regarding claims 7-8, Tai discloses that the etchant comprises BrF₃ (col 4, lines 57-58)

Regarding claims 10, 11, Tai discloses introducing nitrogen/diluent into the chamber (col 4, lines 19-21)

Regarding claim 12, Tai discloses the step of adding the xenon gas/etchant to the chamber when the dilute ratio of the etchant is measured (col 4, lines 57-58)

Regarding claims 13-14, Tai discloses the step of preparing the etchant in vapor reservoir 120/exchange chamber and supplying the etchant through a loop that passes through the etch chamber 110 (fig. 1A)

Regarding claim 15, Tai discloses performing etching in pulses (col 5, lines 64-66), which reads on repeating the etching steps

Regarding claims 26-27, Tai discloses forming metal layer of Al and Cu on the silicon wafer (col 8, lines 19-21)

4. Claims 30-40, 44-45, 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhang et al (6,162,585)

Zhang discloses a method of etching. The method comprises the steps of loading a microstructure into an etch chamber of an etching system and providing an etchant recipe to the etch chamber over time (col 4, lines 48-50), wherein an amount of the etchant recipe per time unit varies (Table 2)

Regarding claim 31, Zhang discloses using vapor etching (col 5, lines 9-10)

Regarding claims 32-34, Zhang discloses providing a first amount of the etchant recipe at a first time; and providing a second amount of the etchant recipe at a second time, wherein the first amount equals the second amount (col 5, lines 20-27)

Regarding claims 35-36, Zhang discloses providing a third amount of the etchant recipe at a third time, wherein the interval between the first time and the second time does not equal the interval between the second time and the third time (Table 2)

Regarding claims 37-39, Zhang discloses measuring the flow rate/concentration of the etchant and adjusting the amount of the vapor etchant based on the flow rate (table 2)

Regarding claim 40, Zhang discloses using vapor HF/interhalogen (col 5, lines 9-10)

Regarding claims 44-45, Zhang discloses using nitrogen in the etching step (Table 2)

Regarding claim 48, Zhang discloses that the structural layer remains after the polysilicon/sacrificial material is removed (fig. 4E)

5. Claims 53-56, 60-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhang et al (6,162,585)

Zhang discloses a method of etching. The method comprises the steps of: providing an etchant recipe to the etch chamber over time (col 5, lines 39-45), wherein an amount of the etchant varies when a change of measured flow rate/concentration of the etchant (Table 2)

The limitation of claim 54 has been discussed above

Regarding claims 55-56, 60, Zhang discloses using vapor HF/interhalogen (col 5, lines 9-10)

Regarding claims 61-62, Zhang discloses using nitrogen in the etching step (Table 2)

6. Claims 72-73, 79-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Tai et al (US 6,436,229)

Tai discloses a method for etching. The method comprises the steps of: collecting a plurality of data of flow rate/concentration of the etchant/ parameter that characterizes an etching process using an etchant recipe that comprises vapor phase etchant of XeF₂ and storing the collected data in a mass flow control col 5, lines 30-38; col 9, lines 4-34), etching a microstructure using the etchant recipe based on the collected flow data (col 5, lines 39-50)

Regarding claims 79, 80, Tai discloses introducing nitrogen/diluent into the chamber (col 4, lines 19-21)

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tai et al (US 6,436,229) in view of Zhang et al (US 6,162,585)

Tai method has been described above. Unlike the instant claimed invention as per claim 9, Tai using a vapor etchant recipe comprises of BrF₃ instead of HF
Zhang discloses a method for etching using vapor HF (col 5, lines 39-40)

Hence, one skilled in the art at the time the invention was made would have found it obvious to modify Tai by using vapor HF etching as per Zhang because Zhang discloses that the allowable duration of vapor HF etching allows deeper etch (col 5, lines 63-67)

9. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tai et al (US 6,436,229) in view of Chinn et al (US 6,666,979)

Tai method has been described above. Unlike the instant claimed invention as per claims 16-17, Tai fails to disclose coating the microstructure with a SAM and the etchant has a pressure from 0-15 Torr

Chinn discloses a method for dry etch comprises the step of etching using the etchant has a pressure from 10-12 Torr and coating the microstructure with a SAM (col 11, lines 18-45)

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Hence, one skilled in the art at the time the invention was made would have found it obvious to modify Tai method by coating the microstructure with a SAM to prevent stiction during handling and using an etchant has a pressure from 10-12 Torr to produce only a few monolayers on the substrate as taught by Chinn (col 11, lines 16-19; lines 45-46)

10. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tai et al (US 6,436,229) in view of Han et al (US 6,740,247)

Tai method has been described above. Unlike the instant claimed invention as per claims 18-21, Tai fails to disclose that the diluent gas has a partial pressure from 20-700 Torr/ 50-100 Torr/500-700 Torr

Han discloses a method for HF vapor cleaning/etching comprises the step using a nitrogen /diluent gas has a partial pressure from 10-500 Torr (col 7, lines 55-57)

One skilled in the art at the time the invention was made would have found it obvious to modify Tai method by using a nitrogen/diluent gas has a partial pressure of 10-500 Torr to enable stabilization of the operating chamber pressure as taught by Han (col 7, lines 55-58)

11. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tai et al (US 6,436,229) in view of Chen et al (US 6,159,851)

Tai method has been described above. Unlike the instant claimed invention as per claims 28-29, Tai fails to disclose that the structural material comprises a metal nitride

Chen discloses a method for forming a semiconductor device comprises the step of forming a TiN layer with a primary conductive layer (col 6, lines 4-6)

Thus, one skilled in the art at the time the invention was made would have found it obvious to modify Tai by forming a metal nitride as per Chen because Chen discloses that the TiN provides conformal adherent coating on a lower metal (col 5, lines 14-16)

12. Claims 41-43, 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (US 6,162,585) in view of Tai et al (US 6,436,229)

Zhang method has been described above. Unlike the instant claimed inventions as per claims 41-43, 57-59, Zhang fails to disclose using an etchant comprises of XeF₂ and BrF₃

Tai discloses a method for etching comprises the step of etching using XeF₂ and BrF₃ (col 3, lines 26-28)

Hence, one skilled in the art at the time the invention was made would have found it obvious to modify Zhang method by using an etchant comprises of XeF₂ and BrF₃ as per Tai because Tai discloses that diluting xenon gas with BrF₃ controls the etching surfaces roughness produced (col 3, lines 26-28)

13. Claims 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (US 6,162,585) in view of Han et al (US 6,740,247)

Zhang method has been described above. Unlike the instant claimed invention as per claims 46-47, Zhang fails to disclose that the diluent gas has a partial pressure from 20-700 Torr

Han discloses a method for HF vapor cleaning/etching comprises the step using a nitrogen /diluent gas has a partial pressure from 10-500 Torr (col 7, lines 55-57)

One skilled in the art at the time the invention was made would have found it obvious to modify Zhang method by using a nitrogen/diluent gas has a partial pressure of 10-500 Torr to enable stabilization of the operating chamber pressure as taught by Han (col 7, lines 55-58)

14. Claims 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (US 6,162,585) in view of Chen et al (US 6,159,851)

Zhang method has been described above. Unlike the instant claimed invention as per claims 49-52, Zhang fails to disclose that the structural material comprises a elemental metal and a metal nitride

Chen discloses a method for forming a semiconductor device comprises the step of forming a TiN layer with a primary conductive layer (col 6, lines 4-6)

Thus, one skilled in the art at the time the invention was made would have found it obvious to modify Zhang method by forming a metal nitride as per Chen because Chen discloses that the TiN provides conformal adherent coating on a lower metal (col 5, lines 14-16)

15. Claims 63-64, 66-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tai et al (US 6,436,229) in view of Wintingham et al (US 6,518,194)

Tai discloses a method for etching. The method comprises the steps of: collecting a plurality of data of flow rate/concentration of the etchant/ parameter during a first etching for first series of sample/first microstructure using an spontaneous vapor phase etchant recipe to the etch system (col 4, lines 19-22; fig. 1A, col 5, lines 30-38; col 7, lines 43-45), storing the collected data in a mass flow control (col 5, lines 30-38), which reads on determining a variation profile of the parameter in the first etch process, etching another series of sample (col 7, lines 45-46), Tai also discloses that the etchant/parameter includes absorbed product molecule SiF₄/detected chemical species during the etch (col 3, lines 12-18)

Unlike the instant claimed invention as per claim 63, Tai fails to specifically disclose the step of etching a second microstructure in a second etching process using the etchant recipe based on the collected data of the parameter in the fist etching process

Wintingham discloses a method for transferring nanoscale pattern comprises the step of etching a second sample/microstructure in a second etching process using the etchant recipe based on the collected data of the parameter in the fist etching process (col 13, lines 55-58)

Hence, one skilled in the art at the time the invention was made would have found it obvious to modify Tai method by etching a second sample/microstructure in a second etching process using the etchant recipe based on the collected data of the parameter

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in the first etching process in order to determine the time needed to etch through the sample as taught by Winningham (col 12, lines 52-55)

Regarding claims 68-69, Tai discloses using xenon difluoride (col 9, lines 32-33)

Regarding claims 65-67, Tai discloses that the etchant comprises vapor BrF₃ (col 4, lines 57-58)

Regarding claims 70-71, Tai discloses introducing nitrogen/diluent into the chamber (col 4, lines 19-21)

Allowable Subject Matter

16. Claims 24-25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

17. Applicant's arguments filed 6/23/2005 have been fully considered but they are not persuasive.

Applicants argue that there is nothing in Tai that teaches or suggest measuring an amount of a chemical species and providing an additional amount of etchant recipe based on the measured chemical species. This argument is unpersuasive because as recited in col 4, lines 57-60 of Tai, Tai discloses diluting the etching gas used in the reaction/etching recipe with xenon gas based on the dilution ratio/measured amount of BrF₃ and xenon gas (col 4, lines 57-60), as interpreted by the examiner, reads on

measuring an amount of a chemical species and providing an additional amount of etchant recipe based on the measured chemical species since the chemical species is defined as an etchant in the instant claimed invention

In response to applicant's argument that there is no suggestion to combine the references of Tai and Winningham because Tai and Winningham are related to completely different processes and products , the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case since the motivation to combine the references comes from Winingham (paragraph 15), one skilled in the art at the time the invention was made would have found it obvious to employ Winningham teaching in Tai method to produce the claimed invention

Applicants argue that Tai does not teach the step of collecting a plurality of data of a parameter that characterizes an etching process using an etchant recipe comprising vapor phase of XeF₂ because Tai discloses etching process are preferably conducted using BrF₃. This argument is unpersuasive because as disclosed in col 9, lines 4-33 of Tai, XeF₂ is mixed with vapor BrF₃ to form the etching recipe. Thus, the examiner asserts that Tai discloses an etching process using an etchant recipe comprising vapor phase of XeF₂

Applicants further argue that Zhang does not teach that the amount of the etchant is varied when the change of the measured parameter is beyond the predetermined value because in Zhang single etch step there is no varying of the amount of Zhang etchant recipe over time. This argument is unpersuasive because as shown in table 2 of Zhang, the flow rates/the amount of the etchants vary over the period of up to 20 seconds during the etching step. Thus, it is asserted that in Zhang single etch step there is variation of the amount of Zhang etchant recipe over time

18. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Vinh whose telephone number is 571 272 1471. The examiner can normally be reached on M-F 8:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571 272 1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LV
August 26, 2005